

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DESIREE MERCADO,

Plaintiff,

v.

COUNTY OF MERCED, et al.,

Defendants.

No. 1:20-cv-00161-NONE-SAB

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS TO DISMISS CASE
WITHOUT PREJUDICE

(Doc. Nos. 52, 57)

This civil rights action was filed on January 30, 2020, pursuant to 42 U.S.C. § 1983. (Doc. No. 1.) On November 25, 2020, defendant Damian Sparks filed a motion to dismiss which was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. (Doc. No. 53.)

On January 6, 2021, the assigned magistrate judge filed a findings and recommendations recommending that this action be dismissed for plaintiff Desiree Mercado's failure to comply and failure to prosecute. (Doc. No. 27.) The findings and recommendations were served on the parties and contained notice that any objections to the findings and recommendations were to be filed within fourteen (14) days from the date of service. (*Id.*) The period for filing objections has passed and no objections have been filed.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the court finds the

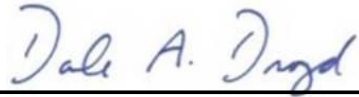
findings and recommendations to be supported by the record and by proper analysis.

Accordingly,

1. The findings and recommendations, filed January 6, 2021 (Doc. No. 57), are
ADOPTED IN FULL;
2. Defendant Spark's motion to dismiss, filed November 25, 2020 (Doc. NO. 52), is
GRANTED;
3. This action is DISMISSED WITHOUT PREJUDICE, in its entirety, for plaintiff's
failure to comply with the Federal Rules of Civil Procedure and the orders of this
court and failure to prosecute;
4. The Clerk of the Court is DIRECTED to assign this action to a district judge for
the purposes of closing the case; and
5. The Clerk of the Court is DIRECTED to close this matter.

IT IS SO ORDERED.

Dated: January 28, 2021


UNITED STATES DISTRICT JUDGE